

Message Text

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ACTION ARA-10

INFO OCT-01 IO-10 ISO-00 CIAE-00 DODE-00 PM-03 H-01 INR-05

L-02 NSAE-00 NSC-05 PA-01 RSC-01 PRS-01 SP-02 SS-15

USIA-06 AID-05 SCA-01 SR-02 ORM-01 /072 W

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R 051828Z DEC 74

FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC 1312

INFO USMISSION USUN NEW YORK

USMISSION GENEVA

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EO 11652: NA

TAGS/ CI, PINS, SHUM

SUBJ: CIVILIAN COURTS PROCESS LEGAL ACTIONS ON DETAINEES

REFS: (A) SANTIAGO 1743; (B) SANTIAGO 6504; (C) SANTIAGO 7335

1. SUMMARY. IN SOME CONTRAST TO REFUSAL IN FIRST YEAR AFTER COUP TO GET INVOLVED IN REVIEW OF LEGAL PROCEDURES OF THE GOC AGAINST FORMER ALLENDE GOVT AND UNIDAD POPULAR FIGURES, CIVIL COURTS CONTINUE TO ASSERT DEGREE OF INDEPENDENCE (SEE REFTEL C). ONE INSTANCE IS CASE OF EX-FON MIN CLODOMIRO ALMEYDA. END SUMMARY.

2. SUPREME COURT HAS AGREED ON APPEAL TO HEAR ARGUMENTS ON THE MASS "AMPARO" (HABEAS CORPUS) PETITION FILED LAST MARCH BY AN INTER-DENOMINATIONAL COMMITTEE OF RELIGIOUS LEADERS ON BEHALF OF 131 PERSONS MISSING AND PRESUMABLY DETAINED BY GOC AFTER THE COUP IN SEPT 1973 (REF A). THIS "AMPARO" REQUEST HAD BEEN REJECTED BY THE APPEALS COURT. ACCORDING TO THE PRESS, INVESTIGATION OF NAMES SHOWS THAT A MAJORITY ARE BEING PROCESSED FOR COMMON CRIMES, AND THE GOC SAYS IT HAS NO INFORMATION CONCERNING MANY OTHERS. TWO ON THE ORIGINAL LIST OF 131 HAVE SINCE DIED.

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3. ON ANOTHER FRONT, GOC IS TRYING TO PRESS WHITE COLLAR CRIMES CHARGES AGAINST SEVERAL OF EX-DAWSON ISLAND/RITOQUE GROUP OF SENIOR LEADERS (REF B), BUT CASES DO NOT SEEM TO BE PROSPERING IN CIVIL COURTS. SANTIAGO APPEALS COURT HAS CONFIRMED THE INDICTMENT OF EX-RADICAL PARTY SENATOR ANSELMO SULE ON SOLE CHARGE THAT HE FAILED TO DECLARE A CAR ON 1973 INCOME TAX RETURN. (DEFENSE LAWYER CALIMS HE IS PREPARED TO PROVE SULE SOLD THE CAR IN 1971.) COURT THUS REJECTED MAIN CHARGES WHICH INVOLVED MORE SERIOUS QUESTION OF EVASION OF TAXES ON ELECTION CAMPAIGN FUNDS.

4. GOVT CHARGE OF MISUSE OF OFFICIAL FUNDS BY EX-FONMIN ALMEYDA WAS REJECTED BY LOWER COURT, AND GOC APPEALED TO SUPREME COURT (REF B). THAT COURT NOW HAS "SUSPENDED" CONSIDERATION OF APPEAL, AND GOVT CASE AS DESCRIBED IN PRESS SEEMS WEAK. CASE IS NOT CLOSED, AND GOC CAN CONTINUE TO HOLD ALMEYDA ON NATIONAL SECURITY GROUNDS, BUT IT IS OBVIOUS THAT TAX EVASION CHARGE IS NOT PROVING PARTICULARLY PROFITABLE COURSE FOR GOC. SIMILAR CHARGES ARE BEING PROCESSED AGAINST SEVERAL OTHER FORMERLY PROMINENT DETAINEES.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PRESS COMMENTS, POLITICAL PRISONERS, TRIALS, COURT DECISIONS, SECURITY INVESTIGATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 05 DEC 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: izenbei0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974SANTIA07374
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740353-0897
From: SANTIAGO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19741257/aaaabxal.tel
Line Count: 83
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION ARA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: (A) SANTIAGO 1743; (B) SANTIAGO 6504, ; (C) SANTIAGO 7335
Review Action: RELEASED, APPROVED
Review Authority: izenbei0
Review Comment: n/a
Review Content Flags:
Review Date: 19 JUN 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <19 JUN 2002 by elyme>; APPROVED <20 MAR 2003 by izenbei0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CIVILIAN COURTS PROCESS LEGAL ACTIONS ON DETAINEES
TAGS: PINS, SHUM, PGOV, CI
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005